

Response Deadline: September 18, 2009
Hearing Date: October 8, 2009, 10:00am

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11 Case No.
EXTENDED STAY INC., et al., : 09-13764 (JMP)
Debtors. : (Jointly Administered)
:
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LINE TRUST CORPORATION LTD. and DEUCE :
PROPERTIES LTD., : Adversary Proceeding No.
Plaintiffs, : 09-01354 (JMP)
:
v. :
DAVID LICHTENSTEIN, LIGHTSTONE :
HOLDINGS, LLC, WELLS FARGO BANK, N.A., :
in its capacity as trustee, WACHOVIA BANK, N.A., :
BANK OF AMERICA, N.A., U.S. BANK :
NATIONAL ASSOCIATION, CERBERUS :
CAPITAL MANAGEMENT, L.P., :
CENTERBRIDGE PARTNERS, L.P., and JOHN :
DOES 1-20, being persons whose identities are :
presently unknown to Plaintiffs and who are acting as :
Supporting Holders of the Term Sheet proposed :
by Lichtenstein, :
Defendants. :
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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Complaint and the Affidavit of H. Peter Haveles, Jr., sworn to August 7, 2009 and the exhibits thereto, and all prior proceedings herein, defendants Bank of America, N.A. (“Bank of America”) and U.S. Bank National Association, not individually, but solely in its capacity as Trustee for Maiden Lane Commercial Mortgage Backed

Securities Trust 2008-1 (the “Maiden Lane Trustee”), will move this Court before the Honorable James M. Peck, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004-1408 for the entry of an order (i) pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, made applicable hereto by Rules 7012 and 7009(b) of the Federal Rules of Bankruptcy Procedure, dismissing the Complaint as against Bank of America and the Maiden Lane Trustee, with prejudice and without leave to replead and (ii) granting such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Stipulation and Order agreed to by the parties and filed with the United States Bankruptcy Court for the Southern District of New York on July 22, 2009 in Adversary Proceeding No. 09-01354, plaintiffs Line Trust Corporation Ltd. and Deuce Properties Inc. shall serve and file their papers in opposition to the Motion to Dismiss on or before September 18, 2009 and defendants shall serve and file their reply papers in support of their Motion to Dismiss on or before September 30, 2009. Responses, and objections if any, to the Motion shall be in writing, shall state with particularity the reasons for the objection or response, and shall conform to the Bankruptcy Rules and the Local Rules of the Bankruptcy Court.

PLEASE TAKE FURTHER NOTICE that a hearing will be held in connection with the entry of an order regarding the relief requested in the Motion and any further relief on October 8, 2009, at 10:00 a.m., before Honorable James M. Peck, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004-1408.

PLEASE TAKE FURTHER NOTICE that, in the event of failure to respond in accordance with this Notice, the Court may grant the relief requested by the Motion without further notice or hearing.

Dated: August 7, 2009
New York, New York

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Attorneys for Defendant U.S. Bank National Association, not individually, but solely in its capacity as Trustee for the Maiden Lane Commercial Mortgage Backed Securities Trust 2008-1